INITED AMARIA DIAMBIAM AAIIDM

3 ASOCIACION DE PERIODISTAS DE 4 PUERTO RICO, et al.,	
5 Plaintiffs,	Civil No. 06-1931 JAF)
6 v.	
7 ROBERT MUELLER, et al., 8	
9 Defendants.	

10 <u>O R D E R</u>

Plaintiffs Asociación de Periodistas de Puerto Rico, Overseas Press Club of Puerto Rico, Normando Valentín, Víctor Sánchez, Joel Lago Ramón, Cossette Donalds Brown, Víctor Fernández, Annette Alvarez, and their respective conjugal partnerships bring this action for declaratory and injunctive relief and damages against Defendants Robert Mueller, Keith Byer, Agent Luis Fraticelli, Agent José Figueroa Sancha, and ten unknown agents of the Federal Bureau of Investigation. Docket Document No. 1-1. Plaintiffs claim that Defendants violated their First and Fourth Amendment rights by engaging in an attack on the media designed to prevent Plaintiffs from reporting on an FBI raid on the home of a political activist. Id. Defendants move to dismiss the complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(5). Docket Document No. 18. Plaintiffs oppose the motion. Docket Document No. 23-1.

Civil No. 06-1931 (JAF)

-2-

The sole grounds for Defendants' motion to dismiss is their allegation that Plaintiffs have failed to effect proper service on the United States, as required by Federal Rule of Civil Procedure 4(i)(1)(A). Id. Rule 4(i)(1)(A) requires Plaintiffs to serve the United States by

[d]elivering a copy of the summons and of the complaint to the United States attorney for the district in which the action is brought or to an assistant United States attorney or clerical employee designated by the United States attorney in a writing filed with the clerk of the court or by sending a copy of the summons and of the complaint by registered or certified mail addressed to the civil process clerk at the office of the United States Attorney.

FED. R. CIV. P. 4(i)(1)(A) (emphasis added). Plaintiffs sent a copy of the summons and complaint to the United States Attorney for the District of Puerto Rico, Rosa E. Rodríguez Vélez, addressed to the civil process clerk at the office of the United States Attorney via certified mail. <u>Docket Document No. 23-2</u>. Plaintiffs thereby effected proper service as required by Rule 4(i)(1)(A). We, therefore, **DENY** Defendants' motion to dismiss.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 30th day of January, 2007.

25 S/José Antonio Fusté 26 JOSE ANTONIO FUSTE 27 Chief U. S. District Judge